

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 28026 of 2007(J)  
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PETITIONER:  
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KRISHNA HOLLA, S/O GOPALAKRISHNA HOLLA,  
SHIRIBAGILU P.O., KUDLU VILLAGE,  
KASARAGOD TALUK, KASARAGOD.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:  
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1. TAHSILDAR(RR), KASARAGOD TALUK,  
KASARAGOD DISTRICT.
2. DISTRICT EXECUTIVE OFFICER,  
KASARAGOD TALUK.
3. SECRETARY TO REHABILITATION DEPARTMENT,  
GOVT. OF KERALA, THIRUVANANTHAPURAM.

R1&3 BY G.P. SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.28026 of 2007  
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Dated this the 20th day of September, 2007.

JUDGMENT

The petitioner is challenging recovery proceedings for recovery of arrears of Motor Transport Workers Welfare Fund dues. Total liability is above Rs.2 lakhs. Petitioner's case is that final determination orders are not served on the petitioner. In any case since petitioner was admittedly an operator, I feel petitioner can be given an opportunity to contest the order on conditions. The W.P. is accordingly disposed of directing the petitioner to pay 30% of the total demand within two weeks from now and file appeal against final determination orders before the third respondent along with receipt of payment obtained from first respondent. If appeal is filed as above, third respondent will treat the appeals as filed in time, hear the petitioner and dispose of the appeal within three months thereafter. If petitioner makes payment of 30% of liability as above, there will be direction to the first respondent to withhold recovery for three months thereafter. Recovery thereafter will be based on orders to be issued by the third respondent in appeal.

C.N.RAMACHANDRAN NAIR

Judge

pms